

REMARKS

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 14 and 16 have been amended. Claim 15 has been cancelled. Claim 20 has been added. Claims 8, 10 - 12, 14, and 16 - 20 are pending in the application.

In the Office Action, claims 15 - 19 are rejected under 35 U.S.C. §112, first second paragraph. Additionally, in the Office Action, claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs US Patent No. 3,179,116. Also, in the Office Action, claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alabaster US Patent No. 3,122,148. Furthermore, in the Office Action, claims 14, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alabaster US Patent No. 3,122,148 and Marshall US Patent No. 6,210,573. Moreover, the Office Action indicates that claims 10 -12 are objected to and claims 16-18 would be allowable if rewritten.

Applicant thanks the Examiner for the opportunity to discuss the present application on January 8, 2007. In that discussion, Applicant discussed claim 8 and proposed a new claim 20 depending from claim 8. The Examiner agreed that the proposed new claim 20 with its recital of filter elements configured as clips with the clips being movable by a selected one of bending and pivoting appears to distinguish over the prior art of record but noted that additional searching would be needed in the filter and the flap valve art areas.

With respect to the rejection of claims 15 - 19 under 35 U.S.C. §112, first paragraph, Applicant submits that claims 15 - 19 are not directed to alternate embodiments for the reason that claim 14 recites that each of the openings has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings while claim 15, which depends from claim 14, recites that the filter openings are screened or covered by

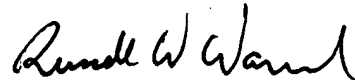
elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings. It can be understood that the screen or covering elements whose state varies under the influence of the heat of the medium flowing through the openings are merely one configuration for varying the passage cross-section of the openings, as the passage cross-section of an opening varies as the respective screen or cover elements bends or pivots. Thus, it is respectfully requested that the rejection of claims 15 - 19 under 35 U.S.C. §112, first paragraph, be withdrawn.

With respect to the rejection of claim 14 under 35 U.S.C. 102(b) as being anticipated by Jacobs US Patent No. 3,179,116, it is submitted that this rejection is now moot in view of the cancellation of claim 14.

With respect to the rejections of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Alabaster US Patent No. 3,122,148 and claims 14, 15, and 19 under 35 U.S.C. 103(a) as being unpatentable over Alabaster US Patent No. 3,122,148 and Marshall US Patent No. 6,210,573, Applicant submits that claim 8 patentably defines over Alabaster US Patent No. 3,122,148 and Marshall US Patent No. 6,210,573 fails to remedy the deficiencies of Alabaster US Patent No. 3,122,148. US Patent No. 3,122,148 to Alabaster discloses a dishwasher with temperature sensitive elements. However, these temperature sensitive elements are not a filter but form, instead, a baffle forming a throat (see col. 4, lines 24 – 35 of US Patent No. 3,122,148 to Alabaster). In contrast, claim 8 of the present application recites a filter including a filter body having a plurality of filter openings for filtering a medium flowing through the openings. Each of the openings is screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings. It is therefore submitted that US Patent No. 3,122,148 to Alabaster does not teach a temperature sensitive element of a filter – specifically, a filter body whose filter openings are screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings, as recited in claim 8 of the present application.

The present application including pending claims 8, 10 – 12, 14, and 16 – 20 are submitted to now be in condition for allowance and early action to that end is respectfully solicited.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Russell W. Warnock".

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March 15, 2007

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